

CF. 1502

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 128 OF 2006

PETITIONER:

✓ Sundarlal, son of Shri
Siddharam, Upsarpanch; Gram
Panchayat Khondhar, Tehsil
Dabhra, District Janjgir.

VS

RESPONDENTS:

- ✓ 1. State of Chhattisgarh,
through the Secretary,
Department of Panchayat,
Mantralaya, D.K.S. Bhawan,
Raipur.
- ✓ 2. The Director, Department
of Panchayat, Raipur.
- ✓ 3. The Collector, District
Janjgir.
- ✓ 4. Shri Paltan Chauhan, son of
Not Known, resident of
Khondhar, Tehsil Dabhra,
District Janjgir.

P.R. No. 7453706
Presented by A. G. S. S. S.
Dated 15/12/06

RECEIVED-COPY
15/12/06
CLERK TO A. G. BILASPUR

WRIT PETITION UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA

63

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI. J.

WRIT PETITION (C.) NO.128 OF 2007

Petitioner : Sundarlal

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Ajit Singh, counsel for the petitioner.
Mr. Utkarsh Verma, Deputy Government Advocate for the
State/respondents No.1 to 3.
Mr. H.S.Patel, counsel for the caveator/respondent No.4.

ORDER

(Passed on 13th Day of February, 2007)

The petitioner has filed this petition challenging the order dated 5-12-2006 (P-1) passed by the Director, Panchayat, whereby an appeal, being appeal No.116/A-89(15)/05-06, filed by the petitioner has been rejected.

2. The facts of this case, in nutshell, are that the petitioner is the duly elected Up-Sarpanch of Gram Panchayat Khondhar. The petitioner and other Panchas made a complaint before the Sub-Divisional Officer (prescribed authority), Dabhara making allegations of misuse of the official position against respondent No.4 – Sarpanch. There was a serious complaint of financial irregularity and defalcation to the tune of Rs.2,50,257/-. The Sub-Divisional Officer (prescribed

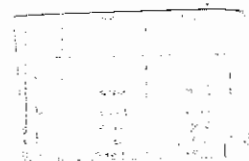
112

(54)

authority), Dabhara, vide order dated 29-5-2006 (P-4), held that the allegations of financial irregularities have been found proved. Thus, respondent No.4 was directed to be removed from the post of Sarpanch under Section 40(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. It was further held that respondent No.4 be declared as disqualified for a period of 6 years. A direction was made to recover a sum of Rs.2,50,297/-.

3. Against the said order, respondent No.4 filed an appeal, being appeal No.194/A-89(15)/05-06, before the Additional Collector, District Janjgir-Champa. The Additional Collector, by order dated 28-8-2006 (P-2) in that appeal, held that the charges have been found proved on the basis of mere statements and proper opportunity of hearing was not afforded to respondent No.4, the then Sarpanch. Accordingly, the order dated 29-5-2006 (P-4) of the Sub-Divisional Officer (prescribed authority), Dabhara was quashed and the appeal of respondent No.4 was allowed.

4. Against the order dated 28-8-2006 (P-2) of the Additional Collector, an appeal was made by the petitioner before the Director, Panchayat, wherein the Director, Panchayat held that the order of the Additional Collector is perfectly legal as the order of the Sub-Divisional Officer was set aside on the ground that the allegations were found proved on the basis of mere statements without providing sufficient opportunity of hearing to the then Sarpanch – respondent No.4. Thus, the appeal of the petitioner was rejected by order dated 5-12-2006 (P-1). The said order dated 5-12-2006 (P-1) is impugned herein.



SS

5. On perusal of the impugned order dated 5-12-2006 (P-1) as well as the pleadings and the documents appended thereto, there is no infirmity or irregularity found in the impugned order passed by the Director, Panchayat and as such it does not call for interference with the impugned order by this Court in exercise of power under Article 226 of the Constitution of India.

6. Thus, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge